

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NEW YORK

In re:

ROCHESTER DRUG COOPERATIVE, INC.

Debtor.

Case No. 20-20230
Chapter 11

NOTICE OF MOTION TO MODIFY STAY

PLEASE TAKE NOTICE that Paul Pagnotta and Sherwood Klein ("Movants"), by their undersigned attorneys, will move this Court on January 12, 2023 at 10:00am or as soon thereafter as counsel may be heard, at the US Courthouse, 100 State Street, Rochester, New York 14614, for an order pursuant to 11 USC §362(d)(1), modifying the automatic stay in this case to permit Movants and other former directors of the Debtor to seek intervention in that certain declaratory judgment action between the Debtor and Hiscox Insurance Company, now pending in the United States District Court for the Western District of New York, and bearing the caption *Rochester Drug Cooperative, Inc., v. Hiscox Insurance Company*, NYWD Case No.: 20-cv-06025; together with such other and further relief as the Court may deem just, equitable and proper.

UNDER THE ADMINISTRATIVE ORDER DATED DECEMBER 21, 2020, REVISING THE NEGATIVE NOTICE PROCEDURES FOR MOTIONS BEFORE JUDGE WARREN:

IF A PARTY REPRESENTED BY COUNSEL INTENDS TO OPPOSE THIS MOTION, WRITTEN OPPOSITION TO THE MOTION MUST BE SERVED AND FILED ELECTRONICALLY IN CM/ECF NOT LESS THAN 72 HOURS PRIOR TO THE SCHEDULED DATE AND TIME OF THE HEARING ON THE MOTION (NOTWITHSTANDING RULE 9006(A) FRBP).

IN CASES UNDER CHAPTERS 7, 12 AND 13, YOU MUST SERVE THE OPPOSING PAPERS ON: THE MOVANT AND MOVANT'S COUNSEL, THE DEBTOR AND DEBTOR'S COUNSEL (IF NOT THE MOVANT), AND THE TRUSTEE. IN

CASES UNDER CHAPTER 11, THE OPPOSING PAPERS MUST ALSO BE SERVED ON THE CREDITORS' COMMITTEE AND ITS ATTORNEY, OR IF THERE IS NO COMMITTEE THE 20 LARGEST UNSECURED CREDITORS, AND THE UNITED STATES TRUSTEE.

IN THE EVENT THAT WRITTEN OPPOSITION IS NOT TIMELY SERVED AND FILED, NO HEARING WILL BE HELD ON THE MOTION; THE COURT WILL CONSIDER THE MOTION TO BE UNOPPOSED.

DATED: December 30, 2022
Rochester, New York.

WOODS OVIATT GILMAN, LLP
Attorneys for Movants

/s/ William E. Brueckner

William E. Brueckner
Warren A. Rosenbaum
Timothy Lyster
1900 Bausch and Lomb Place
Rochester, New York 14604
585.987.2800
wbrueckner@woodsoviatt.com
wrosenbaum@woodsoviatt.com
tlyster@woodsoviatt.com